Conducted Energy Device

509.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy weapon (CEW).

509.2 POLICY

The CEW is intended to control a violent or potentially violent or potentially violent individuals, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device should result in fewer serious injuries to deputies, suspects, and inmates.

Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force or to prevent the further use of excessive force.

"Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency. (SB 5066)

509.3 ISSUANCE AND CARRYING CEWS

Only members who have successfully completed office-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the CEW.

CEWs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the CEW and cartridges that have been issued by the Office. Uniformed deputies who have been issued the CEW shall wear the device in an approved holster on their person.

Members carrying the CEW may perform a spark test on the unit prior to every shift or as instructed in your bureau training.

When carrying while in uniform, deputies shall carry the CEW in a weak-side holster on the side opposite the duty weapon or on their external carrier in a cross-draw configuration.

(a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
(b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the CEW.
(c) Deputies shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.
(d) Deputies should not hold both a firearm and the CEW at the same time.

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509.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of corrections deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the inmate with a reasonable opportunity to voluntarily comply.

(b) Provide other corrections deputies and inmates with a warning that the CEW may be deployed.

If, after a verbal warning, an inmate is unwilling to voluntarily comply with a corrections deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the corrections deputy may, but is not required to, display the electrical arc (provided that a cartridge IS NOT loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another person as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the corrections deputy deploying the device in the related report.

509.5 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEWs while off-duty.

Deputies shall ensure that CEWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

509.5.1 DANGEROUS ANIMALS

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

509.6 USE OF THE CEW

As with any correctional equipment, the CEW has limitations and restrictions requiring consideration before its use. The CEW should be used only when its operator can safely approach the individual within the operational range of the device.

Although the CEW is generally effective in controlling most individuals, corrections deputies should be aware that the device may not achieve the intended results and be prepared with other options.

509.6.1 APPLICATION OF THE CEW

A CEW may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated by words or action, an intention to be violent or to physically resist and reasonably appears to have the potential to harm deputies, him/herself or others.

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(c) Inmate extraction/removal, (i.e., extraction/removal of an inmate from a cell, day room, shower, etc.) or any other situation where Oleoresin Capsicum (OC) may not be as effective.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

509.6.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW should generally be avoided on certain individuals unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the corrections deputy, the inmate or others, and the corrections deputy reasonably believes that the need to control the inmate outweighs the risk of using the device. Such individuals include:

(a) Inmates who are known to be pregnant.

(b) Elderly inmates.

(c) Inmates with obviously low body mass.

(d) Inmates who are handcuffed or otherwise restrained.

(e) Inmates who have been recently sprayed with a flammable chemical agent or who are otherwise in proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Inmates whose position or activity may result in collateral injury (e.g., falls from height).

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The CEW shall not be used to torture, psychologically torment, elicit statements from, or punish any inmate.

509.6.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the corrections deputy to limit the application of the CEW probes to a precise target area, corrections deputies should monitor the condition of the inmate if one or more probes strikes the head, neck, chest, or groin until the inmate is evaluated by a qualified health care professional.

509.6.4 MULTIPLE APPLICATIONS OF THE CEW

Corrections deputies should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against an inmate are generally not recommended and should be avoided unless the corrections deputy

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reasonably believes that the need to control the inmate outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an inmate and if circumstances allow, the corrections deputy should consider certain factors before additional applications of the device, including:

(a) Whether the probes are making proper contact.

(b) Whether the inmate has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Corrections deputies should generally not intentionally apply more than one CEW at a time against an inmate.

509.6.5 DOCUMENTATION

All CEW discharges shall be documented in the related incident, arrest/crime report. A notification shall be made to a supervisor in compliance with the office Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing of a CEW will also be documented on the use of force report form. Any report documenting the discharge of a CEW cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The deputy should include the following in the incident, arrest/crime report:

(a) Identification of all personnel firing CEW.

(b) Identification of all witnesses.

(c) Medical care provided to the subject..

(d) Observations of the subjects physical and physiological actions.

(e) Any known or suspected drug use, intoxication or other medical problems.

(f) Serial number of CEW deployed.

USE OF FORCE FORM

Items that shall be included in the report form are:

(a) Date, time and location of the incident.

(b) Whether any display, laser or arc deterred a subject and gained compliance.

(c) The range at which the CEW was used.

(d) The type of mode used (probe or drive-stun).

(e) Location of any probe impact.

(f) Location of contact in drive-stun mode.

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(g) Description of where missed probes went.

(h) Whether medical care was provided to the subject.

(i) Whether the subject sustained any injuries.

(j) Whether any deputies sustained any injuries.

The Training Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Coordinator should also conduct audits of data downloads and reconcile CEW report forms and recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

509.7 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only a qualified health care professional should remove CEW probes from an inmate's body when located in a sensitive area. Used CEW probes shall be considered a sharps biohazard, similar to a used hypodermic needle, and handled properly. Universal precautions should be taken.

All inmates who have been struck by CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed. Additionally, any inmate who falls under any of the following categories should, as soon as practicable, be examined by a qualified health care professional:

(a) The inmate is suspected of being under the influence of controlled substances and/or alcohol.

(b) The inmate may be pregnant.

(c) The inmate reasonably appears to be in need of medical attention.

(d) The CEW probes are lodged in a sensitive area (e.g., groin, breast, head, face, neck).

(e) The inmate requests medical treatment.

Inmates who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple corrections deputies to be brought under control, may be at an increased risk of sudden death and should be examined by a qualified health care professional as soon as practicable. Any inmate exhibiting signs of distress after such an encounter shall be medically cleared.

Any inmate exhibiting signs of distress or who is exposed to multiple applications (e.g., more than 15 seconds) shall be promptly examined by a qualified health care professional or medically evaluated.

If any individual refuses medical attention, such a refusal should be witnessed by another corrections deputy and/or medical personnel and shall be fully documented in related reports.

If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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509.8 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried a CEW as a part of their assignment for a period of six months or more shall be re-certified by an office approved CEW instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of the deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for CEWs will be documented in the deputy's training file.

Deputies who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with corrections deputies who use the device.

The Training Coordinator is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

The application of CEWs during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Target area considerations, including techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(d) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(e) Handcuffing a subject during the application of a CEW and transitioning to other force options.

(f) Restraint techniques that do not impair respiration following the application of a CEW.

(g) De-escalation techniques.

509.9 SUPERVISOR RESPONSIBILITIES

A supervisor should review each incident including all pertinent video recordings where a person has been exposed to an activation of the CEW. Photographs of probe sites should be taken.

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